

April 5, 2018

VIA ECF

Hon. P. Kevin Castel
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *In re: SunEdison Inc., Securities Litigation*, 16-md-02742-PKC
(Case Nos. 1:16-cv-09171-PKC (“Canyon I”); and 16-cv- 09172-PKC (“Canyon II”))

Dear Judge Castel:

We represent the Plaintiffs in *Canyon Capital Advisors LLC et al. v. Terraform Global, Inc., et al.*, Case No. 1:16-cv-09171-PKC (“Canyon I”) and *Canyon Capital Advisors LLC et al. v. Alvarez, et al.*, 1:16-cv-09172-PKC (“Canyon II”), which are two of the individual securities actions currently pending before Your Honor in the SunEdison (“SUNE”) MDL proceeding. As the Court directed at the April 13, 2017 case management conference (ECF No. 189 at 6:22-7:1) and reflected in the Court’s order that same day (ECF No. 186), the individual securities actions were all effectively stayed pending resolution of the motions to dismiss filed in the SUNE securities class action. This Court resolved those motions on March 6, 2018 (ECF No. 308).

Based on Your Honor’s ruling, Plaintiffs in the above-captioned actions request that Your Honor: (i) establish an April 17, 2018 deadline for Plaintiffs to amend their complaint; (ii) permit Plaintiffs in the above-captioned actions to file a consolidated amended complaint; (iii) grant Defendants until May 15, 2018 to file a pre-motion to dismiss letter; and (iv) grant Plaintiffs until May 29, 2018 to respond to any pre-motion to dismiss letter. Defendants consent to this schedule.

Plaintiffs have not previously amended their complaints and therefore retain their right to amend under Fed. R. Civ. P. 15(a)(1)(B). Amendment and consolidation of these actions is necessary to: (i) take into account any events and disclosures relevant to Plaintiffs’ allegations that occurred after Plaintiffs filed their initial complaint; (ii) amend certain jurisdictional and technical allegations; (iii) take into account the Court’s March 6, 2018 order on the motions to dismiss in the SUNE securities class action; and (iv) consolidate actions by related funds that were previously filed separately due to administrative issues that are no longer present. An April 17, 2018 deadline is intended to provide sufficient time to incorporate the above-referenced amendments.

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We believe that the foregoing deadlines will promote the efficient progress of the actions, and respectfully request that they be so-ordered by the Court. We are of course available at your convenience to discuss or elaborate on any of these requests.

Respectfully submitted,

/s/ Jonathan E. Pickhardt

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